

LLOYD BELL, Individually and
As Executor of the Estate of BETTY
WHITLEY BELL, Deceased,

AMERICAN INTERNATIONAL
INDUSTRIES, et al.,

CASE NO. 1:17-CV-00111

As set forth in detail below, it is critical that Dr. Moline not be questioned about, and, therefore, forced to disclose, the identity of any subjects of her research study, *including* Plaintiff.

Such questioning, if permitted by the Court, would be contrary to:

1. The Federal Policy for the Protection of Human Subjects, 45 C.F.R. Part 46, Subpart A (or, “The Common Rule”);
2. Bedrock Institutional Review Board (“IRB”) standards of privacy and confidentiality covering research subjects;
3. The specific IRB approvals that Dr. Moline secured in advance of writing and publishing the Article;
4. Well-established standards and universally accepted norms in the medical research community related to research subjects and anonymity; and
5. Relevant case law affirming privacy and confidentiality requirements for research subjects.

Defendants will not be prejudiced by grant of this Motion and the extension of the Protective Order. Specifically, subject to the Court’s rulings to the contrary, Defendants’ counsels will still be permitted to generally question Dr. Moline as to the Article and her related methodologies, and/or about information that the Plaintiff has specifically placed in issue in the case.¹ Moreover, if the Court were to find any prejudice to Defendants by grant of this Motion, the alleged prejudice is substantially outweighed by the countervailing legal and policy considerations surrounding the privacy and confidentiality requirements/norms related to research subjects in the medical community.

For the foregoing reasons and those set forth in its accompanying Memorandum of Law, Northwell respectfully requests that the Court grant its Motion.

¹ Northwell takes no position on these particular issues for purposes of the Motion.

This the 23rd day of December, 2020.

/s/ John H. Lawrence

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ATTORNEYS FOR NORTHWELL

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 23, 2020, the foregoing Motion was filed via ECF filing, which will serve all counsel of record in the above-referenced matter.

This the 23rd day of December, 2020.

/s/ John H. Lawrence

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